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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,912	07/03/2003	Jung-Hua Lin	LIN203	5592
1444	7590	07/26/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			CHOI, STEPHEN	
		ART UNIT	PAPER NUMBER	
			3724	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/611,912	LIN, JUNG-HUA	
	Examiner	Art Unit	
	Stephen Choi	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

<ol style="list-style-type: none"> 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. 	<ol style="list-style-type: none"> 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: '31'. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because of the following informalities. Lines 5 and 7, "a fine" and "a cam" should be --A fine-- and --A cam--. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,557,447).

Lee discloses all the recited elements of the invention including:

- a) a base (10) provided with a motor (15);
- b) a driving wheel (16) pivoted on a bottom of the base to be driven for rotation by the motor;
- c) a movable device (40) movably provided on a top of the base to be moved between a distal position and a proximal position;
- d) a driven wheel (17) pivoted on the movable device;
- e) a band saw (18) provided around the driving wheel and the driven wheel;
- f) a fine adjusting device (60) having a section engaged with the movable device and having a contacting portion at a bottom thereof;
- g) a transmission device (22) movably disposed on the base and having an end connected with the contacting portion of the fine adjusting device (element 22 is connected with element 60 via portions of element 20);
- h) a cam device (30) pivoted on the base and having a periphery against the transmission device, wherein the periphery of the cam device has an elongate diameter portion and a short diameter portion which a distance between the elongate diameter portion and a center of rotation of the cam

device is greater than a distance between the short diameter portion and the center of rotation of the cam device (Figure 4);

- i) wherein the cam device is turned between a first position, in which the elongate diameter portion is against the transmission device to move the movable device to the distal position, and a second position, in which the short diameter portion is against the transmission device to move the movable device to the proximal position (element 20 moves as element 30 is turned; thus moving element 40 to distal or proximal position);
- j) a handle (36).

Regarding claim 2, a U-shaped portion (20) with an upward opening on a top having two parallel straight portions in each of which has a slot on a sidewall (21).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snodgrass, Jr. (US 6,739,231) in view of Ponton (US 2,101,343).

Snodgrass discloses the invention substantially as claimed except for a transmission device and a cam device. Ponton discloses a transmission device (12) and a cam device having a periphery against the transmission device for tightening a band saw. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to employ the transmission device and the cam device as taught by Ponton on the prior device disclosed on Snodgrass in order to provide a greater range of adjustment of tension to accommodate variations in band saw length and to facilitate detensioning the band saw for replacement. Regarding claims 2 and 4, Figures 1-2 and Col. 1 of Snodgrass. Regarding claim 3, a round connection tube (element 15 of Ponton). Regarding claim 5, the modified device of Snodgrass fails to disclose a cone recess and a cone. However, one having ordinary skill in the art would have been motivated to provide a cone recess and a cone as an alternative arrangement for operatively connecting two elements. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47. Regarding claim 6, the modified device of Snodgrass fails to disclose a nut and a spring. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a nut and a spring on the modified device of Snodgrass since the examiner takes Official Notice of the use of nut and spring on the band saw adjusting device as old and well known in the art for the purpose of facilitating operation of a tensioning device as evidenced by the reference to Lee (US 6,557,447).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lasar, Titus, Hamel, Lin, and FR 2224259 are cited to show related devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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22 July 2004


STEPHEN CHOI
PRIMARY EXAMINER